



# UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

04 MAR 2009

Mr. Allen Masuda, Division Administrator  
FHWA Division Office  
3220 West Edgewood, Suite H  
Jefferson City, MO 65109

Dear Mr. Masuda:

RE: Route 63 Osage, Maries, and Phelps Counties, Missouri Draft Environmental Impact Statement (DEIS), Job Number J5P0950

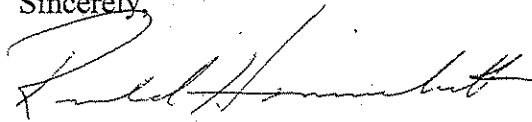
Pursuant to Section 102(2)(C) of the National Environmental Policy Act and Section 309 of the Clean Air Act, U.S. Environmental Protection Agency, Region 7, has reviewed the referenced Draft Environmental Impact Statement. The DEIS outlines the environmental impacts of several alternatives considered for rebuilding and widening Route 63 in Missouri in the above mentioned counties. It also provides a recommended alignment for the highway project. Based on the information provided in this document, our Agency's review has resulted in a rating of "Environmental Concerns-Insufficient Information." This "EC-2" rating is based upon the lack of information in the DEIS with which to discern a Least Environmentally Damaging Practical Alternative. Further discussion on this issue, and other comments, are provided on following pages.

EPA appreciates the opportunity to review the DEIS. We request that you send our office (Region 7) two copies of the Final EIS at the same time that it is sent to:

U.S. Environmental Protection Agency  
Office of Federal Activities, EIS Filing Section  
Ariel Rios Building, Mail Code 2252-A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

If clarification of any comment is needed, please contact Stephen Smith, at  
(913) 551-7656.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ronald F. Hammerschmidt".

Ronald F. Hammerschmidt, Ph.D.  
Director  
Environmental Services Division

## EPA Comments on Route 63 Osage, Maries, and Phelps Counties, Missouri Draft Environmental Impact Statement (DEIS)

### Waters of the United States

The document provides contradictory information in terms of the total wetland impacts between Table 2 (p. 32), Table 17 (p. 109), and Table 18 (p. 110). Each table has a different wetlands impact value for each of the three alternatives. EPA recommends that these differences be reconciled. The total wetland and stream impacts for any of the alternatives are substantial. As the final footprint is determined, we recommend avoiding and minimizing impacts to wetlands and streams as much as possible before moving towards determining the amount of compensatory mitigation that is required. Mitigation prices were estimated in the DEIS. The large areas of forested wetland and high quality wetlands could need to be mitigated at higher ratio than suggested in the DEIS. Due to release of the Compensatory Mitigation Rule, some requirements or processes that have been used in the past may need to be changed, and there may be new options for mitigation available in the future that are more ecologically and logistically preferable. Specifically, the Stream Stewardship Trust Fund that was mentioned will be required to come into compliance with the rule, and may have a different cost per stream credit.

The DEIS presents alternative 2 as the LEDPA, and then rejects it from being the preferred alternative due to its inability to satisfy the safety objectives. The Section 404 permit process requires an evaluation of the alternatives to address whether an alternative exists that is less damaging to the aquatic ecosystem, and is logistically and technically possible of being implemented. The Final EIS should accurately present both the actual wetlands impacts of the three alternatives, as well as fully discuss how the preferred alternative fulfills the requirements of Section 404(b)(1) and can justifiably be permitted by the Corps of Engineers.

If changes occur in the project purpose, need, alternatives, or impacts between now and the time of issuance on Public Notice by the Corps of Engineers, EPA's 404 program reserves the ability to comment further on this project. Information may be generated through the 404 public interest review process that was not documented during the EIS process and should be considered in the final decision. This could include changes in regulation or processes, advances in the knowledge of the resources to be impacted, discovery of additional populations of threatened or endangered species, new best management practices, and/or improvement in stream or wetland restoration science.

### Safety

The document should have a section describing the criteria utilized to compare the alternatives with respect to "safety" objectives. The introduction does describe the problem: sections of the existing highway suffer crashes twice as great as the state average, and there is a map showing historical crash statistics. However, there is no description of what, specifically, has to be changed in order to solve this problem. This is particularly important for justifying the

LEDPA. In the DEIS, alternatives using the existing highway through Westphalia were deemed "not practicable" due to "an abundance of access points leading to increased crashes." If the metric for safety is the absence of access points to the main highway, then our recommendation is to provide a discussion that clearly establishes that safety criteria.

#### Purpose and Need Statement

The Purpose and Need statement (p. 3) could be more clearly expressed. As written, the Purpose (to improve operational efficiency and safety) and the Need ("to Improve safety on Route 63 and to Improve traffic flow on Route 63) are essentially identical. It may be useful to more clearly articulate the Need in terms of the current safety level (2 times the accident rate of comparable highways in the state) and traffic levels (inadequate today, and projected to be worse in 2030).

#### Definition of Alternatives (p.26-29)

This section is difficult to follow. Specifically, it describes sections which were not selected (p. 27-28) (the section through Westphalia is discussed on p. 27), and then states "The remaining links were then connected together to form Alternative 1 and Alternative 2 (p. 29)." This implies, for instance, that Alternative 2 does not go through Westphalia. Based on the conclusion in the wetlands paragraph, it appears that Alternative 2 does in fact go through Westphalia. EPA recommends that this section be organized in the following manner: 1. by presenting all alternatives, 2. a discussion of alternatives rejected and, 3. how the preferred alternative was selected over other considered alternatives.

#### Relocation of Church in Vichy

Page 49 states: "Using the study corridor width of the Preferred Alternative, there would be relocations of the church in Vichy and the Vichy fire department/community center. However, during design an attempt to avoid impacts to this side of Vichy would be a primary objective given the historical architectural resources located in the corridor."

It is difficult to understand what this paragraph is saying, and specifically, whether the church in Vichy would be impacted, or only impacted if a particular alignment is chosen. EPA suggests the document clearly articulate whether or not the Church would be impacted, and to discuss what coordination and/or mitigation planning has been done with the community with regards to this church relocation.